REMARKS

Claims 19 to 23 are added, and therefore claims 10 to 23 are pending in the present application.

Reconsideration is respectfully requested based on the following.

Claims 10 and 18 were rejected under 35 U.S.C. § 103(a) over U.S. Patent Application Publication No. 2006/0253239 ("Williams" reference).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

The Williams reference was only filed on April 21, 2006 (with a priority date of April 25, 2005 based on provisional application No. 60/674,469) and issued on November 9, 2006. Therefore, the Williams reference is not prior art. This is because the present application has a PCT filing application date March 12, 2003 (PCT/DE03/00781), which designated the United States. (The present application also claims priority to its German priority patent application of DE 102 35 567.3, which was filed in Germany on August 3,

2002, as the Office Action acknowledged). Finally, for an applied reference date based on 35 U.S.C. 102(e), the reference is not prior art under 103(c), since the subject matter and the claimed invention, were at the time the claimed invention was made, were assigned or under an obligation of assignment to the present applicant, namely, Robert Bosch GmbH. It is therefore respectfully requested that the Section 103(a) rejection be withdrawn since it is not prior art, so that claim 10 is allowable (as are its dependent claims).

Accordingly, claim 10 is allowable for these reasons alone, as are its dependent claims 11 to 18.

Claim 11 was rejected under 35 U.S.C. § 103(a) over the Williams reference in view of U.S. Patent No. 6,167,335 (the "Ide" reference).

Claim 11 depends from claim 10, and is therefore allowable for the same reasons as claim 10, since the secondary Ide reference does not cure -- and is not asserted to cure -- the critical deficiencies of the primary Williams reference – *which is not prior art as to the present application*.

Claims 12 and 17 were rejected under 35 U.S.C. § 103(a) over the Williams reference in view of U.S. Patent No. 7,269,483 (the "Schubert" reference).

Claims 12 and 17 depend from claim 10, and are therefore allowable for the same reasons as claim 10, as the primary reference is not prior art. Also, the secondary Schubert reference is not prior art. *The Schubert reference was only filed on August 19, 2004 and was issued on September 11, 2007, and thus is also not prior art as to the present application. This is because the present application has a PCT filing application date March 12, 2003 (PCT/DE03/00781), which designated the United States. (The present application also claims priority to its German priority patent application of DE 102 35 567.3, which was filed in Germany on August 3, 2002, as the Office Action acknowledged). It is therefore respectfully requested that the Section 103(a) rejection be withdrawn since it is not prior art, so that claim 10 is allowable (as are its dependent claims).*

Claims 13 to 16 were rejected under 35 U.S.C. § 103(a) over the Williams reference in view of the Schubert and Ide references.

Claims 13 to 16 depend from claim 10, and are therefore allowable for the same reasons as claim 10, since the Williams and Schubert references are not prior art as to the present application.

New claims 19 to 23 do not add any new matter and are supported by the present application, including the specification. Claims 19 to 23 depend from claim 10 and are therefore allowable for the same reasons as claim 10.

Accordingly, claims 10 to 23 are allowable.

CONCLUSION

In view of the above, it is respectfully submitted that all of the presently pending claims 10 to 23 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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By: _____

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